



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 19 2018

CERTIFIED MAIL 70171450000079130322
RETURN RECEIPT REQUESTED

Mr. Jason Welch

(b) (6)

RE: Supplemental Information Request Letter 308-16-002

Dear Mr. Welch:

The U.S. Environmental Protection Agency, Region 4, has learned that a discharge of dredged and/or fill material has occurred in wetlands east of American Avenue in Fuller Bay located between Turbeville and Olanta, Clarendon County, South Carolina, near 33.906° north latitude and 79.965° west longitude (See Exhibits A and B of the enclosed Information Request). According to our preliminary investigation, the discharges occurred sometime after July 2012 in association with mechanical land clearing and ditching with side cast of dredged material in forested wetlands. The EPA appreciates your response to the EPA's earlier request seeking information regarding your compliance on Fuller Bay with section 404 of the Clean Water Act (CWA), 33 U.S.C. § 1344. However, your May 10, 2018, submittal to the EPA raised further questions regarding your forestry operation on Fuller Bay. Therefore, pursuant to section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that you provide the information set forth in Enclosure A within thirty (30) days of receipt of this letter. Your response should be sent to:

Mr. Mike Wylie
U.S. Environmental Protection Agency, Region 4
Atlanta Federal Center
Marine Regulatory and Wetlands Enforcement Section
61 Forsyth Street S.W.
Atlanta, Georgia 30303

If you believe that any of the requested information is Confidential Business Information (CBI), you may assert a business confidentiality claim with respect to such information in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.* Please separate documents that you wish to protect as CBI from non-confidential documents. Sending documents claimed as CBI electronically to the EPA is done at the risk of the claimant, as the EPA does not have the capability to encrypt electronic information. The EPA requests that any such information be physically mailed to the address provided. If you do not assert a CBI claim, the EPA may make information submitted under this request available to the public without further notice to you. Additional information regarding the EPA's requirements for confidential treatment of information can be found in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.*

We have also enclosed a document that provides information for small businesses that may be subject to an EPA enforcement action. This document is for your use and to assist you in understanding the compliance assistance resources and tools available to you. Any decision to seek compliance assistance at this time, however, does not relieve you of your obligation to the EPA nor does it create any new rights or defenses and will not affect the EPA's decision to pursue enforcement action.

The EPA appreciates your prompt attention to this matter. Please do not hesitate to contact Mr. Mike Wylie at (404) 562-9409 if you have questions, concerns or suggestions regarding the scope of this request or concerning the timeframe in which to respond.

Sincerely,



Thomas McGill

Chief

Ocean, Wetlands and Streams Protection Branch

Enclosures

cc: Mr. Ivan Fanning, U. S. Corps of Engineers, Charleston District
Mr. Herb Nicholson, South Carolina Forestry Commission
Mr. Brian Wisnewski, South Carolina Bureau of Water

EPA SECTION 308 INFORMATION REQUEST

Instructions

1. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this information request.
2. Precede each answer with the number of the Question to which it corresponds.
3. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
4. You must provide the information requested even though you may contend that it includes confidential business information (CBI) such as trade secrets. You may, if you desire, assert a CBI claim covering part or all of the information requested, under 40 C.F.R. § 2.203(b), by attaching to such information at the time it is submitted, a cover sheet with the words "trade secret," "proprietary," or "company confidential" stamped or typed on it. Information covered by such claim will be disclosed by EPA only to the extent, and only by means, of the procedures set forth in the regulation set forth above. **If you do not assert a confidentiality claim, when you submit your information to the EPA, EPA may disclose the information to the public without further notice to you.** You should read the above cited regulations carefully before asserting a CBI claim, since certain categories of information are not properly the subject of such a claim.

Definitions

The following definitions shall apply to the following words as they appear in the Questions below:

5. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
6. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
7. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
8. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

9. The term "identify" means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.

10. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

11. The term "Discharge Area" means the wetlands that have been impacted either through mechanical land clearing, filling or excavating. More specifically, the Discharge Area is in wetlands located east of American Avenue, in Fuller Bay between Turbeville and Olanta, Clarendon County, South Carolina, near 33.906° north latitude and 79.965° west longitude. The Discharge Area is indicated on the enclosed Exhibits A and B.

12. The term "Site" means the parcel or parcels of land on which the Discharge Area is located and is contained within Clarendon County, South Carolina, parcel maps 347-00-02-004-00, 347-00-02-005-00 and 347-00-02-006-00. The Site is indicated on the enclosed Exhibit C.

13. The term "Work" means any land clearing activities, ditching, dredging, side casting, road construction, stream crossing construction, mechanical land clearing, piping of streams, timber harvesting or filling activities that have occurred in wetlands or other waters of the United States at the Site since you owned, controlled, or did any Work on the Site.

14. The term "you" and/or Respondent" shall mean Mr. Jason Welch, and/or any company, entity, or corporation that has directed work at the Site.

Questions

Please provide EPA with the following information or documents pertaining to the Discharge Area identified in Exhibit A:

15. The approximate dates of the last timber harvest in the Discharge Area prior to Respondent's purchase of the Site.

16. The name and address or any other identifying information of any contractor, subcontractor, consultant, agent, or individual who directed or participated in timber harvests in the Discharge Area prior to Respondent's purchase of the Site.

17. In Respondent's previous information request response submitted to the EPA on August 30, 2016, Respondent stated that "pines" were the "focus" of timber harvests in the Discharge Area prior to Respondent's purchase of the Site. Please provide information regarding whether

any hardwood species were harvested during previous timber harvests in the Discharge Area. If Respondent identifies that hardwood species were previously harvested, please provide the approximate dates and scope of those harvests.

18. To the best of Respondent's knowledge, provide information regarding timber management techniques that were employed by previous owner/operators in the Discharge Area prior to Respondent's purchase of the Site. If available, please provide a copy of previous timber management plans for the Discharge Area developed by any contractor, subcontractor, consultant, agent, or individual who directed or participated in timber harvests in the Discharge Area prior to Respondent's purchase of the Site.

19. Copies of any timber management plans Respondent has developed for the Discharge Area.

20. To the best of Respondent's knowledge, provide information regarding any roads or ditches that existed in the Discharge Area prior to Respondent's purchase of the Site.

21. Please identify the individual or individuals who prepared the responses to this Information Request.

At the end of your response to this information request, please include the following certification:

I certify that I have personally reviewed the information contained in this response to the information request and the response is truthful, accurate and complete. I further certify that the response to the information request contains all documents responsive to the request. I am aware that there are significant penalties for submitting false information including the possibility of further enforcement under the CWA.

Name
Title

**Site Containing
the Discharge
Area**



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEM, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

0 0.15 0.3 0.6
Miles

EXHIBIT A
Jason L. Welch
Turbeville, SC



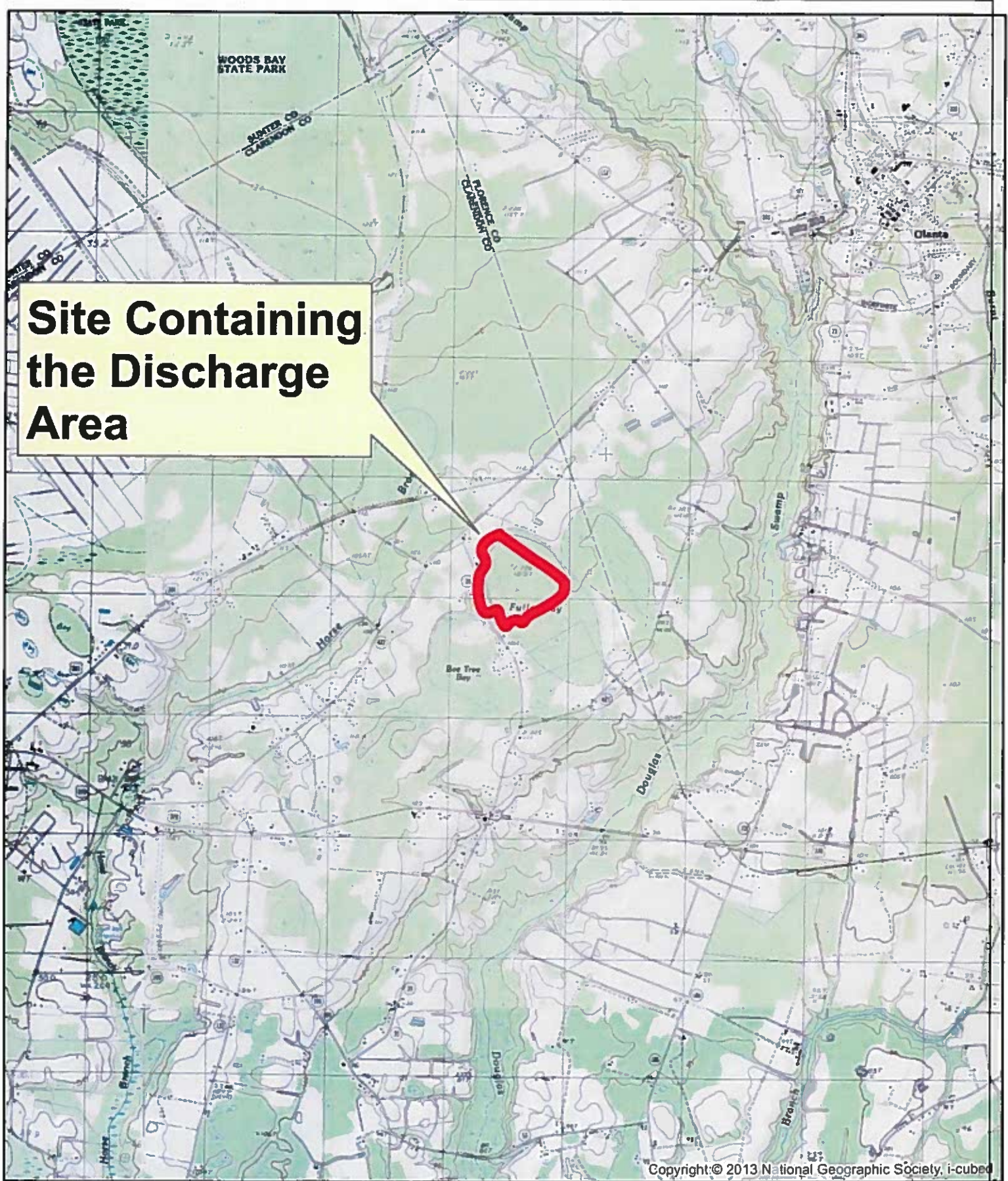


EXHIBIT B
Jason L. Welch
Turbeville, SC

0 0.5 1 2 Miles



Exhibit C

